

EXHIBIT NN



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Transcript of 180905_1042

Case: Caryn Devins Strickland -v- United States of America, et al.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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CONVERSATION

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"180905_1042"

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IN RE: CARYN DEVINS STRICKLAND V. UNITED STATES OF

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AMERICA, ET AL.

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20 Job No.: 479402

21 Pages: 1 - 60

22 Transcribed by: Christian Naaden

1 don't see how Tony can be involved in any way in the
2 process and have it be fair, given my experience, you
3 know.

4 MR. ISHIDA: Mm-hmm. Well, Caryn, you know,
5 you've -- you've -- you've painted a challenging
6 picture about trust. I mean, you know, once -- once
7 trust has been broken, it's -- it's really hard to
8 piece it back together again. And -- and, you know, I
9 had -- I don't know if you know this but I had a
10 conversation with Sheryl Walter, the general counsel at
11 the AO and --

12 MS. STRICKLAND: Okay.

13 MR. ISHIDA: -- other -- other -- other people
14 from the AO and we -- we -- we had a conversation about
15 -- about alleviating some of your concerns.

16 And one of the things that Sheryl really
17 wanted me to do, given -- given the concerns that
18 you've raised with them was, that after the
19 investigation is finished, the report has been
20 compiled, Sheryl wanted me to receive the report and
21 not Tony Martinez. And -- and, you know, I -- I kind of
22 thought, well, you know, that's -- that's not really in

1 the process or plan.

2 But I approached Tony about it and kind of
3 said, this is the concern, would you be willing to let
4 me receive the report first. And -- and he was fine
5 with that. Just -- just -- just so you know. And -- and
6 he thought it would be helpful, yeah, you know, you --
7 why don't you accept the report and we'll go from
8 there.

9 I -- you know, so I told Sheryl, sure, I'm
10 willing to -- I'm willing to accept the report and
11 depending on what it says, we'll -- we'll just go from
12 there. But what I did tell Sheryl too, was just my
13 sense that, I -- I understand why, you know -- do you
14 feel -- I mean, having been a supreme court fellow, you
15 know, you've made contacts and connections and
16 relations with some people at that AO, so you feel more
17 comfortable going to them. I said I get all that and
18 that I probably would do the same thing.

19 I just told Sheryl that, in this case, it may
20 not be entirely helpful because we're now giving it
21 arms' length instead of trying to communicate issues
22 and concerns directly and I -- one of the things I

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1 mentioned to Sheryl was things can get -- when that
2 happens, you know, the -- the barriers go up, the walls
3 go up, the people are on guard and I -- and I'm -- I'm
4 concerned that there isn't real dialogue between the
5 parties. And -- and trust can break down and all sorts
6 of things.

7 So, I said, I'm happy to accept the report but
8 -- but this is my concern that we -- we may hinder a
9 dialogue between you and Tony in really kind of trying
10 to resolve this.

11 So, that's -- that's -- that's kind of -- that
12 -- now I -- I did want to -- I did want to mention that
13 to you, Caryn, but I also -- I also want to -- I also
14 want to tell you too that, you know, my -- my -- my
15 heart goes out to you. I -- I hear what you're saying.
16 You know, in another life I was an assistant public
17 defender --

18 MS. STRICKLAND: Oh.

19 MR. ISHIDA: -- and so when you -- when you
20 talk about, you know, your passion for the job and --
21 and just wanting to, you know, really do what you love,
22 I mean, I -- I -- I get that because I was -- I was

1 just -- I'm just wondering if there's a way we can also
2 simultaneously have a dialogue with that.

3 The one thing I'm -- the one thing I'm
4 concerned about, Caryn, is, you know, my additional
5 thought was, well, you know, you should have a
6 conversation with Tony. But you mentioned, you know, a
7 concern that I have and that's trust. I mean it's
8 difficult to have a conversation with somebody if you
9 don't fully trust them.

10 MS. STRICKLAND: Right.

11 MR. ISHIDA: So, I don't know if having a
12 direct conversation with Tony will be as productive as
13 we all hope given that there's this, you know, almost a
14 sense of broken trust that you have.

15 So, I'm wondering, would it make sense to have
16 someone else work with the two of you possibly? And
17 what I'm thinking of is, we have circuit mediators that
18 are just outstanding. And the chief circuit mediator is
19 outstanding, I've used him in other instances and he's
20 done a fantastic job.

21 MS. STRICKLAND: Mm-hmm.

22 MR. ISHIDA: I'm just wondering if his

1 MS. STRICKLAND: Okay. Yeah, I just want to
2 make sure -- you know, just so that -- you know, you're
3 not blindsided by it or anything. So, and then --

4 MR. ISHIDA: Sure.

5 MS. STRICKLAND: -- you know, maybe the thing
6 to do is, I definitely have some things to -- to think
7 about.

8 So, maybe when you get back, you know, first
9 thing of, you know, not next week but the week after,
10 maybe we can have another phone call --

11 MR. ISHIDA: Mm-hmm.

12 MS. STRICKLAND: -- which is, you know, an up-
13 -- a status update and kind of figure out where we're
14 at.

15 MR. ISHIDA: Sure, sure. That's -- that's --
16 we'll --

17 MS. STRICKLAND: And in the meantime, I can
18 kind of think about, you know, the things you said --
19 you know, what would I want, the possible circuit
20 mediator.

21 And what is that's person name? You may have
22 said it but I just missed it.

1 MR. ISHIDA: The chief circuit mediator his
2 name is Ed Smith.

3 MS. STRICKLAND: Okay.

4 MR. ISHIDA: So, he's based out of South
5 Carolina.

6 MS. STRICKLAND: Okay. And then, yeah -- and
7 then, I guess, just the last thing is just, the --
8 well, no, I mean, I -- I think that -- I think that is
9 -- I think that is it but, you know, in terms of the
10 ongoing investigation, I mean, do you have any
11 understanding of just kind of like what the timeframe
12 of that would be? I know that it's supposed to be
13 prompt but --

14 MR. ISHIDA: Yeah -- no. A- -- a- -- aside
15 from -- I mean there -- Chapter 9 doesn't specify, you
16 know, when the investigation has to be concluded by. It
17 just says that, you know, the -- the allegations have
18 to be investigated promptly.

19 MS. STRICKLAND: Okay.

20 MR. ISHIDA: And, so, yeah, they're -- they're
21 really -- I mean, there are -- there are no hard and
22 fast deadlines for when this investigation has to be

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17 February 10, 2023

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